UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,680	03/27/2007	Brian Anthony Retkin	09999-Murg	4657

7590 10/30/2008

Albert T. Keyack
260 South Broad Street
Philadelphia, PA 19102

EXAMINER	
COONEY, ADAM A	
ART UNIT	PAPER NUMBER
2444	
MAIL DATE	DELIVERY MODE
10/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,680	RETKIN ET AL.	
	Examiner	Art Unit	
	ADAM COONEY	4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-14* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 3 is objected to because of the following informalities: the phrase "plugins perform" should be –plugin performs--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4-6 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the term "about" is vague and renders the claim indefinite. Using the term "about" gives no specific period of time of when the "plugin" will operate.

Regarding claims 4-6, they do not correctly indicate any dependency. The claims use the phrase "a plugin according to" which shows dependency, however, the claims that should be referred to is unclear.

Regarding claim 14, the phrase "executes a configuration file" is unclear. The specification does not support executing a "configuration file".

Due to the ambiguities and confusion in claims 4-6 and 14, no art has been applied thereto, see *In re Steele*, 49 CCPA 1295, 305 F.2d 859, 134 USPQ 292 (1962) and *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). The examiner will not speculate as to the intended meaning.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 and 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-10, 12 and 13, the claimed subject matter is directed to software and therefore is non-statutory subject matter. A "plugin for a browser" is not any of a process, machine, manufacturer or composition of matter.

Regarding claim 14, the claim does not meet the requirements of a patent eligible process. The process relies on a "browser" which is not a machine, manufacture, or composition of matter, therefore, it is not tied to another statutory class, nor does the process transform the underlying subject matter to a different state. See MPEP § 2106.IV.B

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over How Domain Name Servers Work (hereinafter DNS) in view of Stahura (U.S. 2003/0009592 A1).

Regarding claims 1-3 and 12, while the DNS reference teaches a browser (see DNS page 2 paragraph 3) upon detection of a DNS look-up failure to attempt a DNS look-up on an alternative name server (see DNS page 5 paragraph 3; there are multiple name servers at every level so if one fails, there are others to handle the request, therefore , the DNS look-up failure comes from the name server not responding due to it failing), it does not teach a plugin for a browser nor that plugin operating by detecting when the browser is about to display an error to inform a user that a referenced name cannot be found and performing a further name lookup before the error is displayed. However, Stahura does teach such limitations. According to Stahura, a plugin for a browser is used in a mapping system for mapping unregistered domain names and the mapping system would identify when the domain name system returns an indication that a domain name is unregistered (see Stahura paragraph 0023; since the plugin identifies when the DNS returns an indication that a domain name is unregistered (an error) and it automatically sends a search request based on the domain name, the browser never displays the error). Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to have combined a plugin for a browser as well as a system similar to the mapping system, as taught by Stahura, with the teachings of DNS, in order to have a separate program, the plugin, that performs the DNS lookup operation specifically and on demand rather then the browser. Also, using a similar mapping system, it will give the ability for

the operation to be more transparent to the user and not having to see the DNS look-up failure being displayed on the browser.

Claims 7-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DNS in view of Stahura, in further view Jungck (U.S. 7,003,555 B1).

Regarding claim 7, while DNS and Stahura teach all the limitations of claim 1, as discussed above, they do not teach contacting a remote server to obtain data relating to the alternative name server. However, Jungck does teach such a limitation. According to Jungck, his apparatus and method for domain name resolution has a forward proxy server that sits between a workstation user and the internet (see Jungck column 25 lines 19 and 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of a proxy server, as taught by Jungck, with the teachings of DNS and Stahura, in order to have security for a user when resolving a host name using an alternative name server in lieu of the first name server failing. Using a proxy server gives anonymity to the user's IP address. Also, having a designated server would provide the plugin with a point of contact that can be trusted, for additional security.

Regarding claim 8, the DNS, Stahura and Jungck references teach all the limitations of claim 7, as discussed above. Also, DNS teaches the data being obtained each time the operating system is started… (see DNS page 2 paragraph 2; a program that needs to talk to a name server to resolve a domain name knows that name server because it gets the IP address of that name server from the operating system).

Regarding claims 9 and 10, while DNS and Stahura teach all the limitations of claim 1, as discussed above, they do not teach the plugin operates by configuring proxy server settings of a web browser in which it is installed, and communicates with the alternative DNS server through a proxy server. However, Jungck does teach such limitations. According to Jungck, a forward proxy server sits between a workstation user and the internet. Also, a forward proxy server accepts requests from the users for internet content and then requests that content on behalf of the user. A user workstation must be configured to use a proxy server (see Jungck column 25 lines 19-34). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have combined the teachings of a proxy server, as taught by Jungck, with the teachings of DNS and Stahura, in order to have security for a user when resolving a host name using an alternative name server in lieu of the first name server failing. Using a proxy server gives anonymity to the user's IP address. Also, having a designated server would provide the plugin with a point of contact that can be trusted, for additional security.

Regarding claim 13, DNS and Stahura teach all the limitations of claim 12, as discussed above. DNS additionally teaches referring DNS look-ups to an alternative server (see DNS page 2 paragraph 2 and page 5 paragraph 3; since any program needing to talk to a name server to resolve a domain name knows the IP address of that name server given to it by the operating system, and there are multiple name servers in case one fails, then the program would refer the use of the IP address given by the operating system of an alternative name server). However, DNS and Stahura do not teach configuration of its proxy settings. Jungck does teach such a limitation. According to Jungck, a user workstation must be configured to use a proxy server (see Jungck column 25 lines 32 and 33). Therefore it would have been obvious to a person of

ordinary skill in the art at the time of the applicant's invention to have combined the teachings of a proxy server, as taught by Jungck, with the teachings of DNS and Stahura, in order to have security for a user when resolving a host name using an alternative name server in lieu of the first name server failing. Using a proxy server gives anonymity to the user's IP address. Also, having a designated server would provide the plugin with a point of contact that can be trusted, for additional security.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gross et al. (U.S. 2002/0073233 A1) is relevant because it teaches systems and methods of accessing network resources, by providing top-level domain names. Lim et al. (U.S. 6,014,660) is relevant because it teaches a method and apparatus for client-sensitive name resolution using DNS. Guenthner et al. (U.S. 6,134,588) is relevant because it teaches high availability web browser access to servers. RFC 1034: Domain names – concepts facilities is relevant because it teaches the concepts of domain names and resolution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM COONEY whose telephone number is (571)270-5653. The examiner can normally be reached on Monday-Thursday and every other Friday from 730AM-5PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 4121
09/09/2008

//William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444